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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,364	01/24/2002	Tomoya Yoshida	02036/LH	2010
1933	7590	06/28/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 5TH AVE FL 16 NEW YORK, NY 10001-7708			JOO, JOSHUA	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/057,364

Applicant(s)

YOSHIDA, TOMOYA

Examiner

Joshua Joo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/11/04</u> .                                                             | 6) <input type="checkbox"/> Other: _____                                    |

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1. Claims 1-13 are presented for examination.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted 3/11/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 8, 10, and 12-13 are rejected under 35 U.S.C. 102(b) as being unpatentable by Motoyama, US Patent #5,819,110.

5. As per claim 1, Motoyama teaches the claimed invention including a system for monitoring an apparatus over a communications network. Motoyama's teachings comprise of:

an administrated apparatus for being administrated (Col 3, lines 24-25. Printer), further comprising:

a) a trouble type judging section for detecting a trouble caused on said administrated apparatus and for judging a type of said trouble (Col 11, line 3. Generates alert or type of warning when malfunction occurs.); and

an administration means, connected with said administrated apparatus through communication lines, for administering said administrated apparatus (Col 9, line 66 – Col 10,

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line 3. Monitoring device analyzes information from the printer. Fig. 1; Col 3, lines 20-25.

Connected to the network.);

wherein said administrated apparatus makes said administration means, connected to said communication lines, obtain trouble type information corresponding to said trouble type judged by said trouble type judging section (Col 9, lines 8-9; Col 11, lines 1-3. Generates and transmits information regarding alert or warning of malfunction.); and

said administration means makes said administrated apparatus to obtain, based on said trouble type information, restoration work information stored in advance to be in connection with said trouble type information (Col 10, lines 5-6. Changes operating parameters with received commands. Col 10, lines 14-16; Col 12, lines 38-58. Commands.).

6. As per claim 12, Motoyama teaches the claimed invention including a system for an administrated apparatus monitored over a communications network. Motoyama's teachings comprise of:

a trouble type judging section for detecting a trouble caused in the administrated apparatus and for judging a type of said trouble (Col 11, line 3. Generates alert or type of warning when malfunction occurs.);

wherein said administrated apparatus acquires restoration work information offered by said administration means in accordance with trouble type information (Col 10, lines 3-5. Printer receives commands to change parameters.);

wherein said trouble type information is acquired by making said administration means, connected to said communication line, obtain said trouble type information corresponding to said type of said trouble judged by said trouble type judging section (Col 9, lines 66-67; Col 11, line 1-3. Generates information such as alerts, warnings of malfunctions.).

7. As per claim 13, Motoyama teaches the claimed invention including a system for monitoring an apparatus over a communications network. Motoyama's teachings comprise of:
- storing trouble type information corresponding to the type of a trouble, that may occur in the administrated apparatus, in connection with restoration work information (Col 9, line 66 – Col 10, line 3. Compares received information with information in the database.);
  - acquiring said trouble type information through said communication line from said administrated apparatus when said trouble occurs (Col 9, line 66 – Col 10, line 3. Rceives information. Col 11, lines 2-3. Information may be alert of warning.); and
  - causing said administrated apparatus acquire said restoration work information, corresponding to said trouble type information, through said communication line (Col 10, line 1-6. Printer receives commands to may changes.).
8. As per claim 2, Motoyama teaches the administration system of claim 1, wherein said communication line is an internet (Col 3, line 40. Internet).
9. As per claim 3, Motoyama teaches the administration system of claim 1, wherein said communication lines is a general public line (Col 9, line 7. Telephone line.).
10. As per claim 4, Motoyama teaches the administration system of claim 1, wherein said trouble type information and said restoration work information are stored in said administration means as a database (Col 9, line 66-Col 10, line 3. Received information is analyzed with information stored in database. Col 9, line 56-59. Database contains information regarding the

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monitored device. Col 12, line 15-25. Commands to printer.).

11. As per claim 8, Motoyama teaches the administration system of claim 4, wherein said administration means judges whether said administrated apparatus is able to conduct automatic restoration by itself or not by looking up said trouble type information in said database (Col 9, line 66 – Col 10, line 5. Monitoring device compares received information with information stored in the database and determines the parameters that need to be changed. Col 12, lines 54-56. The printer performs actions such as rebooting.).

12. As per claim 10, Motoyama teaches an administration system used in the administration system of claim 1 (Col 9, line 66 – Col 10, line 3. Monitoring device, printer.).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 5, 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama in view of Konishi, US Publication #2004/0012807.

15. As per claims 5 and 11, Motoyama teaches of database stored in the administration apparatus (Col 12, lines 15-25.). However, Motoyama does not teach the administration system of claim 4, wherein said administration means further comprising:

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a) a relay server; and

wherein said relay server is connected to said communication lines so as to store either first transfer information to be transferred to said administrated apparatus or second transfer information to be transferred to said administration apparatus;

said administrated apparatus accesses relay server through said communication lines so as either to obtain said first transfer information stored in said relay server or to transmit said second transfer information to said relay server;

said administration apparatus accesses said relay server through said communication lines so as either to obtain said second transfer information stored in said relay server or to transmit said first transfer information to said relay server; and  
said database is stored in at least one of said relay server.

16. Konishi teaches of

a) a relay server (Paragraph 0117. Relay server.); and

b) an administration apparatus (Paragraph 0117. Host computer.);

wherein said relay server is connected to said communication lines so as to store either first transfer information to be transferred to said administrated apparatus (Fig. 8 Print data) or second transfer information to be transferred to said administration apparatus (Paragraph 0119. Relay server transfers information upon request.);

said administrated apparatus accesses relay server through said communication lines so as either to obtain said first transfer information stored in said relay server (Fig. 8. Receives print data) or to transmit said second transfer information to said relay server (Paragraph 0119; 0136. Information is send to the relay server.);

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said administration apparatus accesses said relay server through said communication lines so as either to obtain said second transfer information stored in said relay server (Paragraph 0119. Host computer requests relay server for information.) or to transmit said first transfer information to said relay server (Fig. 8. Sends print data.); and

said database is stored in at least one of said relay server (Paragraph 0119. Relay server transfers information upon request.).

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Motoyama and Konishi because both teachings deal with monitoring the status of a printer across a communication network. Furthermore, Motoyama uses fire walls between the two networks, so the teachings of Konishi to implement a relay server to store and transfer information to the administration apparatus, to receive and store information from an administrated apparatus, and have a database would improve the teachings of Motoyama by allowing the forwarding messages to apparatuses behind fire walls. In a addition, implementing a relay server allows a computer to received job processing information in an environment of multiple computers.

18. As per claim 7, Motoyama and Konishi taught the administration system of claim 5. Motoyama further teaches, wherein said administrated apparatus conducts automatic restoration work based on said restoration work information (Col 12, lines 38-49. Printer performs commands based on information.).

19. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama and Konishi in view of Wiklof et al, US Patent #6,618,162 (Wiklof hereinafter).

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20. As per claim 6, Motoyama does not teach the administration system of claim 5, wherein said restoration work information is updated by said administration apparatus.

21. Wiklof teaches of updating restoration work, such as a printer's software (Col 6, lines 25-26), where software may include bug fixes (Col 5, lines 22-25).

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Motoyama and Wiklof because both teachings deal with configuring a printer over a network. Furthermore, the teachings of Wiklof to provide a printer's software as the restoration work and update the software would enhance the system of Motoyama by allowing the monitoring device to correct software problems in the printer such as bugs and allowing the printer to operate with an update software for optimum performance.

23. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama and Konishi in view of Bealkowski et al, US Patent #5,878,256 (Bealkowski hereinafter).

24. As per claim 9, Motoyama teaches of maintaining a complete service history of the printer (Col 10, line 48-50) and of printer that performs stored commands (Col 10, lines 4-6; Col 12, lines 38-59). However, Motoyama does not teach the administration system of claim 7, when automatic restoration work is carried out, said administrated apparatus makes said administration means to acquire information about success or failure of said automatic restoration work.

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25. Bealkowski teaches of updating firmware in an apparatus to correct errors where a status message is provided indicating if the update procedure was successful or not successful (Col 14, lines 8, 32-40).

26. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Motoyama and Bealkowski because Motoyama teaches of configuring and correcting problems of a printer, so it would be desirable feature for the monitoring device to receive information regarding the status of the performed operations. The teachings of Bealkowski to receive the status information of updating processes would improve the teachings of Bealkowski by informing the monitoring of the status, which in turn would allow the monitoring device to perform additional functions to correct problems reported by the printer.

### ***Conclusion***

27. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Friday 7 to 4.


29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on 571 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 20, 2005

JJ

  
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